

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONALD MIDDLEBROOKS, #129769)

Plaintiff,)

v.)

LISA HELTON, COMMISSIONER,)
ET AL.,)

Defendants.)

**Civil Action No. 3:23-cv-0054
Judge Richardson/Holmes
Jury Demand**

MOTION TO STAY SCHEDULING ORDER DEADLINES

Defendants Tennessee Department of Correction (“TDOC”), Ernest Lewis, Michael Keys, Dennis Davis, Raymond Moyer, and Amy Rafferty, (“Defendants”), request this Court suspend and stay all deadlines set in Docket Entry (D.E.) 83 until it has had a chance to review and rule on Magistrate Judge Holmes’s Report and Recommendation, submitted March 11, 2025. (D.E. 121.) This Court has inherent authority “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Defendants request that the Court exercise that authority to avoid proceeding to trial when Magistrate Judge Holmes has recommended that this case be dismissed in its entirety. (*Id.*, p. 21.)

This Court entered a scheduling order on January 31, 2024. (D.E. 83.) That order set a jury trial date of May 20, 2025. It also set a May 5, 2025 deadline for proposed jury instructions, witnesses and exhibit lists, stipulations, and summaries of legal theories and factual issues, and a May 12, 2025 deadline for a Pretrial Conference. (*Id.*)

After the Court entered that order, Magistrate Judge Holmes recommended that the Court grant Defendants' motion for summary judgment granted and dismiss this action. (D.E. 121, p. 21.) Plaintiff Donald Middlebrooks objected to that recommendation. (D.E. 123.) The Court has not yet ruled on that Report and Recommendation. The Court's ruling will determine whether this matter proceeds to trial.

The Defendants therefore respectfully request that the Court suspend all pending deadlines in this case until it has an opportunity to rule on Magistrate Judge Holmes's Report and Recommendation.

Respectfully submitted,

JONATHAN SKRMETTI
ATTORNEY GENERAL & REPORTER

/s/Brian Enright

BRIAN ENRIGHT (BPR No. 041742)

BENJAMIN OWEN

Assistant Attorney General

Law Enforcement and

Special Prosecutions Division

PO Box 20207

Nashville, TN 37202

Off. (615) 741-4349

Fax (615) 532-4892

Brian.Enright@ag.tn.gov

Benjamin.Owen@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this reply has been filed electronically on May 5, 2025, through the Court's ECF portal, and forwarded by first-class mail on May 6, 2024, to:

Donald Middlebrooks
RMSI-Unit 2
7475 Cockrill Bend Blvd
Nashville, TN 37209
Pro Se Plaintiff

/s/Brian Enright